

**PATENT COOPERATION TREATY**

Applicant : Snap-on Technologies, Inc.  
JACKSON, David A.; ROBB, Michael J.; and  
O'MAHONY, Patrick B. (Inventors/Applicants for US Only)  
Inter. App. No. : PCT/US03/23560  
Intl. Filing Date : 25.July.2003 Priority Date: 25.July.2002  
Title : DIAGNOSING MALFUNCTIONING WHEEL ALIGNMENT SYSTEM  
Docket No. : 66396-060  
Express Mail Label No.: EV313252289US

**RECEIVED**

**JUN 15 2004**

**OFFICE OF PETITIONS**

**PETITION TO CORRECT FILING DATE UNDER 37 C.F.R. 1.10(d)**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant petitions to correct the stated filing date of this application under 37 C.F.R. § 1.10(d) of July 26, 2003, so that it reflects that actual filing date of July 25, 2003.

In support of this Petition, Applicant relies upon the attached declarations of Marc E. Brown, Jessica Brown, Edna Long, Richard (Ike) Eichelberger and Diana Bayless.

Collectively, these declarations establish all of the requirements of 37 C.F.R. § 1.10(d). Specifically, the declarations establish that:

1. This application was deposited in the "Express Mail Post Office to Addressee" service of the United States Postal Service on July 25, 2003, prior to the last scheduled pickup for that day.

2. The number of the Express Mail mailing label was placed on the cover letter of the application that was enclosed with the original mailing by Express Mail.

3. The United States Postal Service was late making the pickup on that day, requiring the pickup to be shifted to a different office for handling and ultimately leading to the erroneous marking on the Express Mail receipt of the "Date in" as July 26, 2003.

4. This petition has been filed promptly after applicant became aware that the U.S. Patent Office accorded a filing date based upon an incorrect entry by the United States Postal Service.

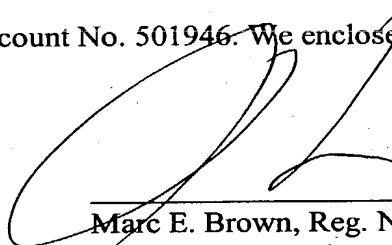
5. This showing is corroborated by evidence from the United States Postal Service. This includes statements made to two witnesses by the Station Manager of the branch office handling this matter, photographs of the labeling on the Postal Service's drop box showing the scheduled pickup time, and a copy of the Postal Service's own internal report showing that the pickup was late.

6. This showing is also corroborated by evidence that came into being after the deposit and within one business day of the deposit. This includes the delivery of this application to and the receipt by the docketing department of the law firm that is representing applicant on July 25, 2003; a printout of a contemporaneous entry that was made on July 25, 2003 in the firm's docketing system that confirmed that the application had been filed on July 25, 2003; and a copy of the dated stamp placed on July 25, 2003 by the docketing department on the copy of the return post card that it had been provided, confirming that it had calendared the filing of the application on July 25, 2003.

It is therefore requested that this petition be granted and that the filing date of July 25, 2003, be accorded this application.

Please charge the any needed petition fee to our Deposit Account No. 501946, and reference attorney docket number 66396-060-6806. Please charge any additional fees or credit any overpayment to Deposit Account No. 501946. We enclose a duplicate copy of this petition.

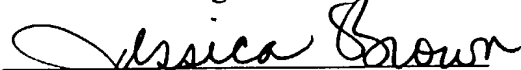
Sept. 4, 2003  
Date

  
\_\_\_\_\_  
Marc E. Brown, Reg. No. 28,590  
Attorney for Applicant

**MCDERMOTT, WILL & EMERY**  
2049 Century Park East  
Los Angeles, California 90067  
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Facsimile: (310) 277-4730

**Certificate of Mailing (Under 37 CFR 1.10)**

I hereby certify that on September 4, 2003 this document and all listed attachments are being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Address" mailing Label Number EV313252289US.

  
\_\_\_\_\_  
JESSICA BROWN

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**DECLARATION OF MARC E. BROWN REGARDING PETITION TO CORRECT  
FILING DATE UNDER 37 C.F.R 1.10(d)**

Mail Stop PCT - Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Marc E. Brown, declare:

1. I am registered to practice before the U.S. Patent and Trademark Office, registration number 28,590.
2. I am a partner of the law firm of McDermott, Will & Emery, 2049 Century Park East, Los Angeles, CA 90067.
3. On July 25, 2003, I reviewed the application identified in the caption of this declaration, including its drawings and formal papers, and signed these papers as Applicant's attorney. This included the "PCT International Application Transmittal Letter" to the U.S. Receiving Office of the PCT (Addressee: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450), which was correctly dated July 25, 2003, and bore the Express Mail Certificate number EV313253205US. A copy of this transmittal letter is

attached as Exhibit A. In the early afternoon of July 25, 2003, I delivered the signed application and related papers to my assistant and paralegal, Jessica Brown, for filing on that day.

4. On August 6, 2003, I received a copy of the return postcard from the United States Patent and Trademark Office for this application, a copy of which is attached as Exhibit B. The postcard was stamped with the erroneous filing date of July 26, 2003.

5. I initiated an investigation into this matter.

6. As part of this investigation, I learned that the United States Postal Service had erroneously marked the "Date in" and the "Time in" on the Express Mail receipt as July 26, 2003, at 12:30 a.m., a copy of which is attached as Exhibit C.

7. As a further part of this investigation, I spoke with Kim Ricard, the Station Manager of the U.S. Post Office branch that was responsible for picking up from our Express Mail Drop Box (the "Village Station Post Office," located at 11000 Wilshire Blvd., Los Angeles, CA 90024).

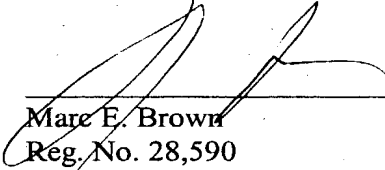
7. Ms. Ricard reviewed her records while I was speaking to her. Ms. Ricard told me that her records showed that the pickup from our Express Mail Drop Box was made late on July 25, 2003 (at 4:01 p.m., instead of at 3:00 p.m.) and that this late pickup caused the material that was picked up late by the Post Office to be erroneously marked by the Post Office with the "Date in" of July 26, 2003, and the "Time in" of 12:30 a.m.

8. As a further part of this investigation, I directed my staff to obtain further evidence regarding this matter.

9. I promptly prepared this Petition and its related Declarations when this investigation was complete.

I hereby declare that all statements made in this declaration of my own knowledge are true and that all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed by me on this 4th day of September 2003, at Los Angeles, California.

  
\_\_\_\_\_  
Marc E. Brown  
Reg. No. 28,590

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JESSICA BROWN